

§ 190.217

taken is provided to the respondent upon request and whenever practicable.

[Amdt. 190-6, 61 FR 18514, Apr. 26, 1996, as amended by Amdt 190-7, 61 FR 27792, June 3, 1996; 70 FR 11137, Mar. 8, 2005]

COMPLIANCE ORDERS

§ 190.217 Compliance orders generally.

When the Associate Administrator, OPS has reason to believe that a person is engaging in conduct which involves a violation of the 49 U.S.C. 60101 *et seq.* or any regulation issued thereunder, and if the nature of the violation, and the public interest warrant, the Associate Administrator, OPS may conduct proceedings under §§190.207 through 190.213 of this part to determine the nature and extent of the violations and to issue an order directing compliance.

[Amdt. 190-6, 61 FR 18514, Apr. 26, 1996]

§ 190.219 Consent order.

(a) At any time before the issuance of a compliance order under §190.213 the Associate Administrator, OPS and the respondent may agree to dispose of the case by joint execution of a consent order. Upon such joint execution, the consent order shall be considered a final order under §190.213.

(b) A consent order executed under paragraph (a) of this section shall include:

(1) An admission by the respondent of all jurisdictional facts;

(2) An express waiver of further procedural steps and of all right to seek judicial review or otherwise challenge or contest the validity of that order;

(3) An acknowledgement that the notice of probable violation may be used to construe the terms of the consent order; and

(4) A statement of the actions required of the respondent and the time by which such actions shall be accomplished.

[45 FR 20413, Mar. 27, 1980, as amended by Amdt. 190-6, 61 FR 18514, Apr. 26, 1996]

CIVIL PENALTIES

§ 190.221 Civil penalties generally.

When the Associate Administrator, OPS has reason to believe that a per-

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son has committed an act which is a violation of any provision of the 49 U.S.C. 60101 *et seq.* or any regulation or order issued thereunder, proceedings under §§190.207 through 190.213 may be conducted to determine the nature and extent of the violations and to assess and, if appropriate, compromise a civil penalty.

[Amdt. 190-6, 61 FR 18515, Apr. 26, 1996]

§ 190.223 Maximum penalties.

(a) Any person who is determined to have violated a provision of 49 U.S.C. 60101 *et seq.*, or any regulation or order issued thereunder, is subject to a civil penalty not to exceed \$100,000 for each violation for each day the violation continues except that the maximum civil penalty may not exceed \$1,000,000 for any related series of violations.

(b) Any person who knowingly violates a regulation or order under this subchapter applicable to offshore gas gathering lines issued under the authority of 49 U.S.C. 5101 *et seq.* is liable for a civil penalty of not more than \$25,000 for each violation, and if any such violation is a continuing one, each day of violation constitutes a separate offense.

(c) Any person who is determined to have violated any standard or order under 49 U.S.C. 60103 shall be subjected to a civil penalty of not to exceed \$50,000, which penalty shall be in addition to any other penalties to which such person may be subject under paragraph (a) of this section.

(d) Any person who is determined to have violated any standard or order under 49 U.S.C. 60129 shall be subject to a civil penalty not to exceed \$1,000, which shall be in addition to any other penalties to which such person may be subject under paragraph (a) of this section.

(e) No person shall be subject to a civil penalty under this section for the violation of any requirement of this subchapter and an order issued under § 190.217, § 190.219 or § 190.233 if both violations are based on the same act.

[45 FR 20413, Mar. 27, 1980, as amended by Amdt. 190-2, 54 FR 32344, Aug. 7, 1989; Amdt. 190-6, 61 FR 18515, Apr. 26, 1996; 61 FR 38403, July 24, 1996; 70 FR 11137, Mar. 8, 2005]